



FH  
[REDACTED]

**STATE OF WISCONSIN  
Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOP/170883

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**PRELIMINARY RECITALS**

Pursuant to a petition filed December 21, 2015, under Wis. Admin. Code §HA 3.03, to review a decision by the Public Assistance Collection Unit in regard to FoodShare benefits (FS), a hearing was commenced on January 27, 2016 and adjourned to give the parties an opportunity to review the overpayment calculations. The hearing was rescheduled to March 1, 2016 but rescheduled at Petitioner's request and it recommenced and concluded on March 08, 2016, at Milwaukee, Wisconsin.

No issue remains for resolution by the Division of Hearings and Appeals.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: [REDACTED]  
Public Assistance Collection Unit  
PO Box 8938  
Madison, WI 53708-8938

**ADMINISTRATIVE LAW JUDGE:**

David D. Fleming  
Division of Hearings and Appeals

Petitioner filed this appeal to contest the amount of a FoodShare overissuance determination for himself and his spouse. Both had previously signed waivers of a hearing right for a FoodShare intentional program violation allegation. This hearing was commenced on January 27, 2016 and adjourned to give the parties a chance to review the overpayment calculations. The matter was scheduled again for March 1, 2016 but rescheduled to March 8, 2016 at Petitioner's request. At the March 8, 2016 hearing the agency indicated that the review of the overpayment had resulted in a reduction in the amount of the overpayment

by \$445.00. The new overpayment amount was determined to be \$3325.00. With this reduction Petitioner indicated there was no need to proceed further with this matter leaving no issue for decision by the Division of Hearings and Appeals. If I have misunderstood Petitioner, he should note the rehearing instructions below.

### **CONCLUSIONS OF LAW**

That no issue remains for resolution by the Division of Hearings and Appeals.

**THEREFORE, it is**

### **ORDERED**

That this appeal is dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

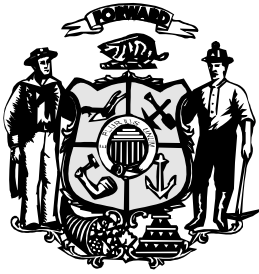
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 18th day of March, 2016

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\sDavid D. Fleming  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on March 18, 2016.

Public Assistance Collection Unit  
Public Assistance Collection Unit  
Division of Health Care Access and Accountability